

JN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
N/S Cherry Hill Lane, 420' SW of *
Tarragon Road * DEPUTY ZONING COMMISSIONER
(Franklin Bus. Park, Lots 1 & 2)
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Case No. 98-412-X
Franklin Boulevard Limited Partnership
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the subject property, Franklin Boulevard Limited Partnership, by John A. Luetkemeyer, Jr., a Partner, through his attorney, Robert A. Hoffman, Esquire. The Petitioner requests a reapproval of the previously approved special exception granted in prior Cases Nos. 90-518-XA and 90-519-XA (as amended), and Cases Nos. 91-341-SPH and 91-518-SPHXA, to reflect the proposed modifications. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David Strouse, a representative of the Franklin Boulevard Limited Partnership, owners of the subject property, Robert A. Hoffman, and Patricia A. Malone, attorneys for the Petitioners, and Mitchell Kellman, a representative of Daft-McCune-Walker, Inc., the consulting firm which prepared the site plan for this property. Appearing as Protestants in the matter were Mary H. Abbott, Warren and Margaret Miller, Larry W. Kintor, Frederick M. Goethe, and Edward O'Connor, all nearby residents of the area.

Testimony and evidence offered revealed that the subject property consists of two adjoining parcels of land containing a combined gross area

ORDER RECEIVED FOR FILING

Date

By

of 2.78 acres, zoned R.O. The property is located along the northwest side of Cherry Hill Lane, at the terminus of Nicodemus Lane, and abuts the exit ramp off of I-795 at Franklin Boulevard. As noted above, this property has been the subject of prior zoning cases in which the Petitioners were granted a special exception and variance relief, with amendments thereto, for development of both parcels with either a general or medical office building. The Petitioners have not proceeded with development of the property and the five-year period in which utilization of a special exception must take place has expired. The Petitioners now come before me seeking a reapproval of the previously approved site plan in 1990 to construct a medical and/or general office building on both parcels in accordance with the site plan submitted in the instant case and identified as Petitioner's Exhibit 1. Testimony indicated that the improvements proposed at this time, as shown on Petitioner's Exhibit 1, have not changed from the plan approved in 1990; however, because the special exception has expired, the relief requested is necessary in order to proceed with development.

As noted above, several residents from the surrounding community appeared at the hearing in opposition to the request. These residents were concerned over the height and magnitude of the proposed buildings. In addition, the citizens noted that the trees that currently exist on this property provide some buffering of the road noise from Franklin Boulevard and they are concerned that once the trees are removed to make way for development on the subject property, this sound buffer will be lost.

In response to the concerns raised by those citizens, the Petitioner assured them and this Deputy Zoning Commissioner that proposed Buildings A and B as shown on the site plan will not exceed 24 feet in height. That is, both buildings will be one-story in height so as to

limit their impact on the surrounding community. In addition, the Petitioner agreed to provide additional landscaping to buffer road noise that is generated by the exit ramp off of I-795 at Franklin Boulevard. The Petitioner believes that the buildings themselves as well as the additional landscaping proposed will provide some buffering to the sound of traffic. I do believe that the proposed buildings and additional landscaping will provide a sufficient sound barrier. However, as a condition of the relief granted, the Petitioner shall submit a landscape plan for review and approval by the County's Landscape Architect which provides for additional landscaping in the northwest corner of the subject property to screen and buffer the noise in this area from the adjacent residential community.

Further testimony revealed that Cherry Hill Lane, which will provide access to the subject property, is fairly narrow in configuration. The Petitioner advised the citizens in attendance that by way of approval of the special exception requested herein, they will be required to widen Cherry Hill Lane which will provide some relief to the motoring public using this road. In addition, the widening of Cherry Hill Lane will provide a safer means of access to the subject property for both tenants and customers of the proposed office buildings.

It is clear that the B.C.Z.R. permits the use proposed in a R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner

has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, I am persuaded to grant the relief requested with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of July, 1998 that the Petition for Special Exception seeking a reapproval of the previously approved special exception granted in prior Cases Nos. 90-518-XA and 90-519-XA (as amended), and Cases Nos. 91-341-SPH and 91-518-SPHXA, to reflect the proposed modifications, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

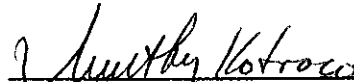
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the

30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The proposed buildings to be constructed on Lots 1 and 2 shall not exceed 24 feet in height at the peak of the roof of each building.

3) The Petitioners shall submit a landscape plan for review and approval by Avery Harden, Baltimore County's Landscape Architect. Said plan shall take into consideration those areas of the subject property where additional landscaping will provide a sound buffer to the exit ramp off of I-795 at Franklin Boulevard. It shall be at Mr. Harden's discretion as to the type, number and location of plantings to be installed in an effort to buffer surrounding residents from the road noise created at this intersection.

4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 13, 1998

Robert A. Hoffman, Esquire
Patricia Malone, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION (Franklin Business Park, Lots 1 & 2)
N/S Cherry Hill Lane, 420' SW of Tarragon Road
4th Election District - 3rd Councilmanic District
Franklin Boulevard Limited Partnership - Petitioner
Case No. 98-412-X

Dear Mr. Hoffman and Ms. Malone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Messrs. John R. Luetkemeyer, Jr. and David Strouse
Franklin Blvd. L.P., 17 W. Pennsylvania Avenue, Towson, Md. 21204

Mr. Mitchell Kellman, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286

Mr. & Mrs. A. Warren Miller, 107 W. Cherry Hill Rd., Reisterstown, 21136
Mr. Edward O'Connor, 108 Danbury Road, Reisterstown, Md. 21136
Mr. & Mrs. Michael Dreimiller, 111 W. Cherry Hill Rd, Reisterstown 21136
Mr. Larry Kintor, 109 W. Cherry Hill Road, Reisterstown, Md. 21136
Mr. Frederick M. Goethe, 120 Nicodemus Road, Reisterstown, Md. 21136

People's Counsel; Case Files





Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at North side Cherry Hill Lane, 420 ft. southwest
Tarragon Road (Franklin Business Park, Parcel A +
Parcel B) (a/k/a Lot 1 + Lot 2)
which is presently zoned RO

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Reapproval of the previously granted Special Exceptions (as amended) in Cases No. 90-518-XA, 90-519-XA and 91-518-XA.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

Signature

210 Allegheny Ave.

(410) 494-6200

Address

Phone No

Towson

MD

21204

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Franklin Boulevard Limited Partnership

(Type or Print Name)

By:

Signature **John A. Luetkemeyer, Jr., Partner**

(Type or Print Name)

Signature

17 West Pennsylvania Avenue

410-296-4800

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204

(410) 494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

BR

DATE

4/29/08

412

98-412-X

ORDER RECEIVED
7/13/08
Date
By



Greenhorne & O'Mara, Inc.

113 WEST ROAD • SUITE 208 • BALTIMORE, MARYLAND 21204 • (301) 296-4100

ENGINEERS ARCHITECTS PLANNERS SCIENTISTS SURVEYORS PHOTOGRAMMETRISTS

DESCRIPTION OF 1.50 AC. +/-
PARCEL A
FRANKLIN BUSINESS PARK
4TH ELECTION DISTRICT BALTIMORE COUNTY, MD.

BEING a part of the secondly described parcel of land contained in a deed dated February 1, 1989 conveyed from Nathan Scherr and Nathan Metz to Franklin Boulevard Limited Partnership recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 8092 Folio 249 and being more particularly described as follows:

BEGINNING for the same at a point in the center of Cherry Hill Lane, said point being the beginning of the third North $64^{\circ} 43' 29''$ West 150.43 feet line of the same tract of land described in the aforementioned Liber S.M. 8092 Folio 249, thence departing said centerline and binding on said third line,

1) North $64^{\circ} 43' 29''$ West 150.43 feet to intersect the right of way line of Interstate 795 (also known as the Northwest Expressway) as shown on State Highway Administration of Maryland Right of Way Plat Nos. 48143, 48148, 48611, and 48968; thence binding on said right of way line the three following courses and distances, viz;

2) North $04^{\circ} 39' 58''$ West 112.95 feet, thence

3) North $20^{\circ} 54' 21''$ East 159.68 feet, thence

4) North $39^{\circ} 32' 06''$ East 141.24 feet; thence departing said right of way for five lines of division, viz:

5) South $50^{\circ} 27' 54''$ East 13.00 feet, thence

6) South $39^{\circ} 32' 06''$ West 72.86 feet, thence

7) South $60^{\circ} 09' 14''$ East 52.77 feet, thence

8) South $29^{\circ} 50' 46''$ West 29.00 feet, thence

9) South $60^{\circ} 09' 14''$ East 80.29 feet to a point on a line drawn twenty five feet north of and parallel to the centerline of Cherry Hill Lane said line being the northern edge of the proposed widening of Cherry Hill Lane; thence along said widening line the two following courses and distances, viz:

10) North $18^{\circ} 21' 44''$ East 41.86 feet, thence

11) North $29^{\circ} 07' 32''$ East 350.00 feet; thence crossing said widening at right angles,

98-412-X

12) South $60^{\circ} 52' 28''$ East 25.00 feet to intersect the centerline of Cherry Hill Lane; thence along said centerline the two following courses and distances, viz:

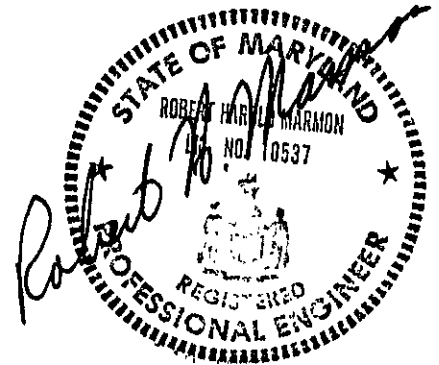
13) South $29^{\circ} 07' 32''$ West 347.64 feet, thence

14) South $18^{\circ} 21' 44''$ West 325.25 feet to the point of beginning.

CONTAINING 65,340 square feet or 1.50 acres of land, more or less.

January 17, 1990
Revised February 27, 1990
Revised April 20, 1990
EWS

FOR ZONING PURPOSES ONLY





Greenhorne & O'Mara, Inc.

113 WEST ROAD • SUITE 208 • BALTIMORE, MARYLAND 21204 • (301) 296-4100

ENGINEERS ARCHITECTS PLANNERS SCIENTISTS SURVEYORS PHOTOGRAMMETRISTS

DESCRIPTION OF 1.28 AC. +/-
PARCEL B
FRANKLIN BUSINESS PARK
4TH ELECTION DISTRICT BALTIMORE COUNTY, MD.

BEING a part of the secondly described parcel of land contained in a deed dated February 1, 1989 conveyed from Nathan Scherr and Nathan Metz to Franklin Boulevard Limited Partnership recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 8092 Folio 249 and being more particularly described as follows:

BEGINNING for the same at a point in the center of Cherry Hill Lane, said point being the beginning of the first or South 29° 07' 32" West 429.75 feet line of the same tract of land described in the aforementioned Liber S.M. 8092 Folio 249, thence binding on and running with the centerline of Cherry Hill Lane,

- 1) South 29° 07' 32" West 82.11 feet, thence at right angles
- 2) North 60° 52' 28" West 25.00 feet to a point in the line drawn twenty five feet north and parallel to the centerline of Cherry Hill Lane said line being the proposed widening line of Cherry Hill Lane; thence along said widening line the two following courses and distances, viz:
 - 3) South 29° 07' 32" West 350.00 feet, thence
 - 4) South 18° 21' 44" West 41.86 feet; thence departing said widening for five new lines of division through the said secondly described parcel, viz:
 - 5) North 60° 09' 14" West 80.29 feet, thence
 - 6) North 29° 50' 46" East 29.00 feet, thence at right angles
 - 7) North 60° 09' 14" West 52.77 feet, thence
 - 8) North 39° 32' 06" East 72.86 feet, thence at right angles
 - 9) North 50° 27' 54" West 13.00 feet to intersect the right of way line of Interstate 795 (also known as the Northwest Expressway) as shown on State Highway Administration of Maryland Right of Way Plat Nos. 48143, 48148, 48611, and 48968; thence binding on said right of way line the five following courses and distances, viz:
 - 10) North 39° 32' 06" East 45.44 feet, thence
 - 11) North 35° 08' 04" East 143.07 feet, thence
 - 12) North 06° 27' 33" East 75.00 feet, thence

98-412-X

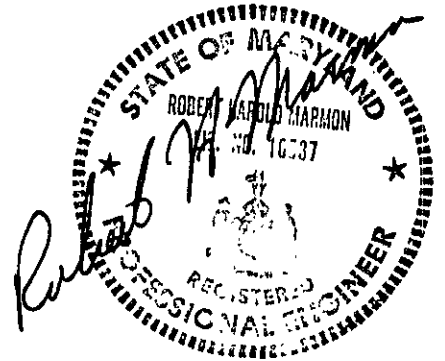
13) North $43^{\circ} 19' 44''$ East 124.92 feet, thence

14) South $56^{\circ} 51' 49''$ East 124.85 feet to the point of beginning.

CONTAINING 55,620 square feet or 1.28 acres of land, more or less.

January 17, 1990
Revised February 27, 1990
Revised April 20, 1990
EWS

FOR ZONING PURPOSES ONLY



BALTIMORE COUNTY, MAR' ND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 173709

DATE 7/1/92 ACCOUNT R 001-6150

AMOUNT \$ 600.00

RECEIVED FROM: Deeble, Victor, & Howard, LLP

FOR: MS Special Reception

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 412

Paid Receipt

PAID 6/29/92

4/27/92 4/27/92 13:23:15

RECEIVED CASHIER LEM US CASHIER

2 MISCELLANEOUS RECEIPT

Receipt # 00197

CR NO. 053709

600.00 CASH: 00

Baltimore County, Maryland

98-412-X

CASHER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows.

Case: #98-412-X
Franklin Business Park - Par-
cells A & B
N of Cherry Hill Lane, 420' SW
of Tarragon Road
4th Election District
3rd Councilmanic District
Legal Owner(s) -
Franklin Boulevard Limited
Partnership

Special Exception: for re-
approval of the previously
granted Special Exception (as
amended) in Cases No.
90-518-XA, 90-519-XA, and
91-518-XA

Hearing: Monday, June 15,
1998 at 10:00 a.m., in Room
407, County Courts Bldg.,
401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations
Please Call (410) 887-3353.
(2) For information concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

5/4/04 May 28 C231925

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/28/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/28/, 1998

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

X

RE. Case No..

Petitioner/Developer:

Date of Hearing/Closing:

@ 10:00 AM
RM. 407
CCB

This letter is to certify under the penalties of perjury that the necessary signs, required by the Department of Transportation, were posted conspicuously on the property located at SITE OPP. #107 CHERRY HILL LA. - ONSITE FRANKLIN BUS. PK.

5/30/98
(Month, Day, Year)

Sincerely,
Patrick M. O'Keefe 6/9/98

PATRICK M. O'KEEFE

523 PENNY LANE

HUNT VALLEY, MD. 21030

410-666-5366 ; CELL-410-905-8571

CITY OF WYOMING

ZONING

Case # 196

PLACE, JUL 22, 1961

TIME & DATE (month)

SPECIAL EXCEPT

OF THE PERSONALITY OF

IN A LIMITED) IN CASE

AND 10-575 IN AND

1/4 W. CORNER WILL A

POSTPONED BY TO BEHOLD

98-412-X
Opp. 107 - CHERRY
HILL (FRANKLIN
BLVD PARK)
P.5/31 H.6/15



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 412

Petitioner: Franklin Boulevard Limited Partnership

Location: N side Cherry Hill Ln. 420 ft. SW of Tarragon Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormond, Legal Assistant

ADDRESS: ~~210 Allegheny Ave.~~ 210 Allegheny Ave.
Towson, Md 21204

PHONE NUMBER: 410-494-6201

AJ:ggs

(Revised 09/24/96)

98-412-X

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-412-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Reapproval of a previously granted special
exception for a class "B" office building in an RC zone.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

#CH2

TO: PATUXENT PUBLISHING COMPANY
May 28, 1998 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord, Legal Assistant
210 Allegheny Avenue
Towson, MD 21204

410-494-6201

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-412-X

Franklin Business Park - Parcels A & B

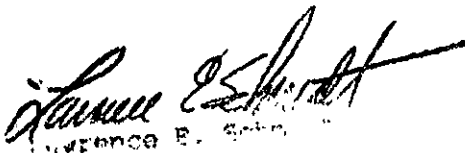
N of Cherry Hill Lane, 420' SW of Tarragon Road

4th Election District - 3rd Councilmanic District

Legal Owner: Franklin Boulevard Limited Partnership

Special Exception for re-approval of the previously granted Special Exception (as amended) in Cases No. 90-518-XA, 90-519-XA, and 91-518-XA.

HEARING: Monday, June 15, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 13, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-412-X
Franklin Business Park - Parcels A & B
N of Cherry Hill Lane, 420' SW of Tarragon Road
4th Election District - 3rd Councilmanic District
Legal Owner: Franklin Boulevard Limited Partnership

Special Exception for re-approval of the previously granted Special Exception (as amended) in Cases No. 90-518-XA, 90-519-XA, and 91-518-XA.

HEARING: Monday, June 15, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Robert A. Hoffman, Esquire
Franklin Boulevard Limited Partnership

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 31, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 11, 1998

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 412
Case No.: 98-412-X
Petitioner: Franklin Boulevard
Limited Partnership
Location: Franklin Business
Park, Parcel A and Parcel B

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 29, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

June 1, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: FRANKLIN BOULEVARD LTD. PTNP.

Location: DISTRIBUTION MEETING OF MAY 11, 1998

Item No.: 412 Zoning Agenda:

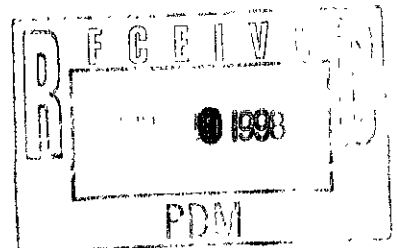
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: May 18, 1998

FROM: *RWB* Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for May 18, 1998
 Item Nos. 404, 405, 406, 407, 408,
 409, 411, 412, 413, 415

ALSO:

Use Permit for Farmer's Roadside Stand
(W/S Jarrettsville Pike, Opposite
South Side Avenue (14350 Jarrettsville
Pike)

ALSO:

Revised Plans for Case #98-328-SPHXA
(9205 Harford Road)

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: May 21, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 404, 412, and 416

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

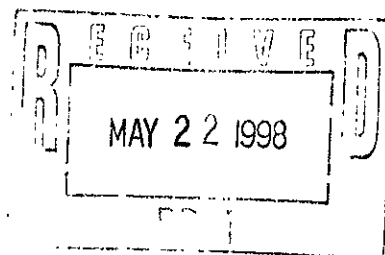
Prepared by:

Jeffrey M. Long

Division Chief:

Gary L. Keene

AFK/JL



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley,
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: May 11, 98

DATE: _____

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	406	411
	407	412
	408	413
	409	414
	410	415

RBS:sp

BRUCE2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 5.12.98
Item No. 412 BR

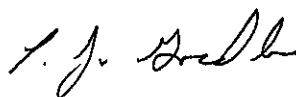
Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,


10 Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

June 12, 1998

Baltimore County
Office of Zoning
401 Bosley Ave. - Room 407
Towson, MD

RE: Case #98412-X - Hearing Date: June 15, 1998 at 10:00 AM

Gentlemen:

I am unable to attend this meeting as my employment requires travel during this time period and my wife is unable to take time off from her work. However, we felt it critical to be on record through this letter, about our concerns for any development on West Cherry Hill Road.

My wife and I are the residents of 111 W. Cherry Hill Road in Reisterstown, Baltimore County, Maryland. We purchased our home 19 years ago when the area was rural with minimal development. That atmosphere was a significant element in our decision to purchase at this location. But since our purchase the Owings Mills-Reisterstown area has experienced rapid and dramatic growth.

Our home, and the homes of others on West Cherry Hill Road, now almost directly borders 795. This has certainly changed our neighborhood. We now have constant road noise. We have the tractor trailers backing off the accelerator as they slow down on Franklin Boulevard at the light, or engines revving as they accelerate up 795. We also have the auto and truck fumes. The environment of our neighborhood has dramatically changed, yet we continue to be a very stable residential neighborhood.

Gentlemen we purchased our home in a residential community, not in a retail business environment, or industrial park or other such development. We want our community to continue to be a residential neighborhood and, we want any development of land to be consistent with a residential neighborhood. We, as well as most of our neighbors, have lived on West Cherry Hill Road for many years. We've all spent a great deal of time, effort and money keeping our properties and our homes nice. We've been real estate taxpayers for these many years also.

We do not know the details of the proposed development, but we ask that the decision of the this hearing accomplish the following:

Any development that is approved must be architecturally consistent with our community (single family-type home design)

No industrial development be approved -
retail business development is not consistent with a residential community

no business-to-business development, as this is not consistent with a residential community.

No appreciable increase in traffic on West Cherry Hill Road.

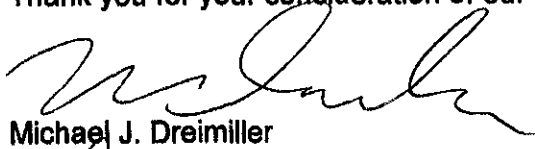
Any development of the property in question must not result in any increase in traffic above what could reasonably be associated with residential traffic, nor above what the road can safely carry at this time.

It certainly cannot be disputed that the area of W. Cherry Hill Road and the intersecting Nicodemus Road has always been, and in spite of all adversity, persists in being a quiet little collection of families. As citizens, property owners, taxpayers, as neighbors, we implore you to grant no changes that would imperil our community, degrade/demote the family-living neighborhood aspect of our community, nor further erode our quality of life or affect our property values.

All zoning must be residential. No industrial parks or retail development should be approved. We ask that you maintain the integrity of our community.

We ask that the decisions of this hearing not put the desires of land speculator/developers above the needs of long-time residents.

Thank you for your consideration of our concerns and perspective in this matter.



Michael J. Dreimiller



Lynnetta J. Dreimiller

111 W. Cherry Hill Road
Reisterstown, MD 21136

410-833-1164

RE: PETITION FOR SPECIAL EXCEPTION
Parcels A & B Franklin Business Park, N of Cherry
Hill Lane, 420' SW of Tarragon Rd, 4th Election
District, 3rd Councilmanic

Legal Owners: Franklin Boulevard, L.P.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 98-412-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Mitch Kellman DMW

200 E. Pennsylvania Ave

Robert A. Hoffmann

210 Allegheny Ave

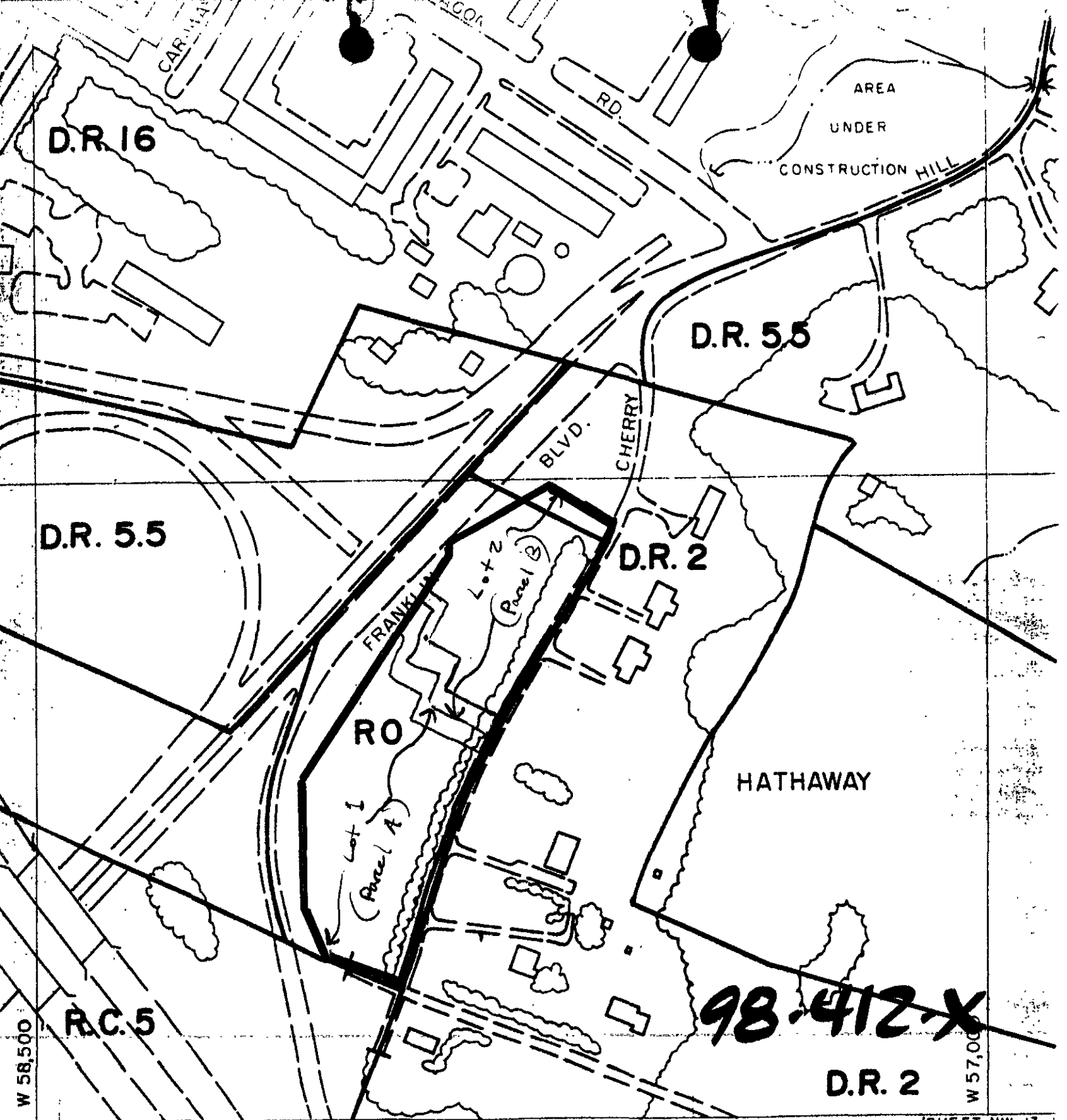
Patricia A. Malone

" "

David Strouse

17 West Pennsylvania Ave





IVE ZONING MAP
ED by
OUNTY COUNCIL
R 8, 1996

132-96, 133-96, 134-96, 135-96

menet

NW-14J

BALTIMORE
OFFICE OF PLANNING

OFFICIAL 70

#412

ZONING HISTORY:

ZONING COMMISSION HEARINGS

CASE # 90-518-XA

On 10/10/90, the Zoning Commission held a public hearing on the application for a Special Use Permit for the proposed development at 1000 Franklin Avenue, Franklin, New Jersey. The applicant, [Name], requested a Special Use Permit for the proposed development, which is a [Description]. The Commission heard testimony from the applicant, [Name], and the public. The Commission then voted on the application and recommended that the Special Use Permit be granted. The Commission's recommendation was adopted by the Board of Adjustment on 10/10/90.

CASE # 90-518-XA (AMENDED ORDER)

On 10/10/90, the Zoning Commission held a public hearing on the application for a Special Use Permit for the proposed development at 1000 Franklin Avenue, Franklin, New Jersey. The applicant, [Name], requested a Special Use Permit for the proposed development, which is a [Description]. The Commission heard testimony from the applicant, [Name], and the public. The Commission then voted on the application and recommended that the Special Use Permit be granted. The Commission's recommendation was adopted by the Board of Adjustment on 10/10/90.

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RECLASSIFICATION

CASE # 90-518-XA

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PREVIOUS CKG ACTIONS

CASE # 90-518-XA - APPROVED 4-1-91

WAIVER W-90-46 - DENIED 3-23-91

WAIVER W-90-96 - DENIED 4-5-91

CASE # 90-518-XA (AMENDED ORDER)

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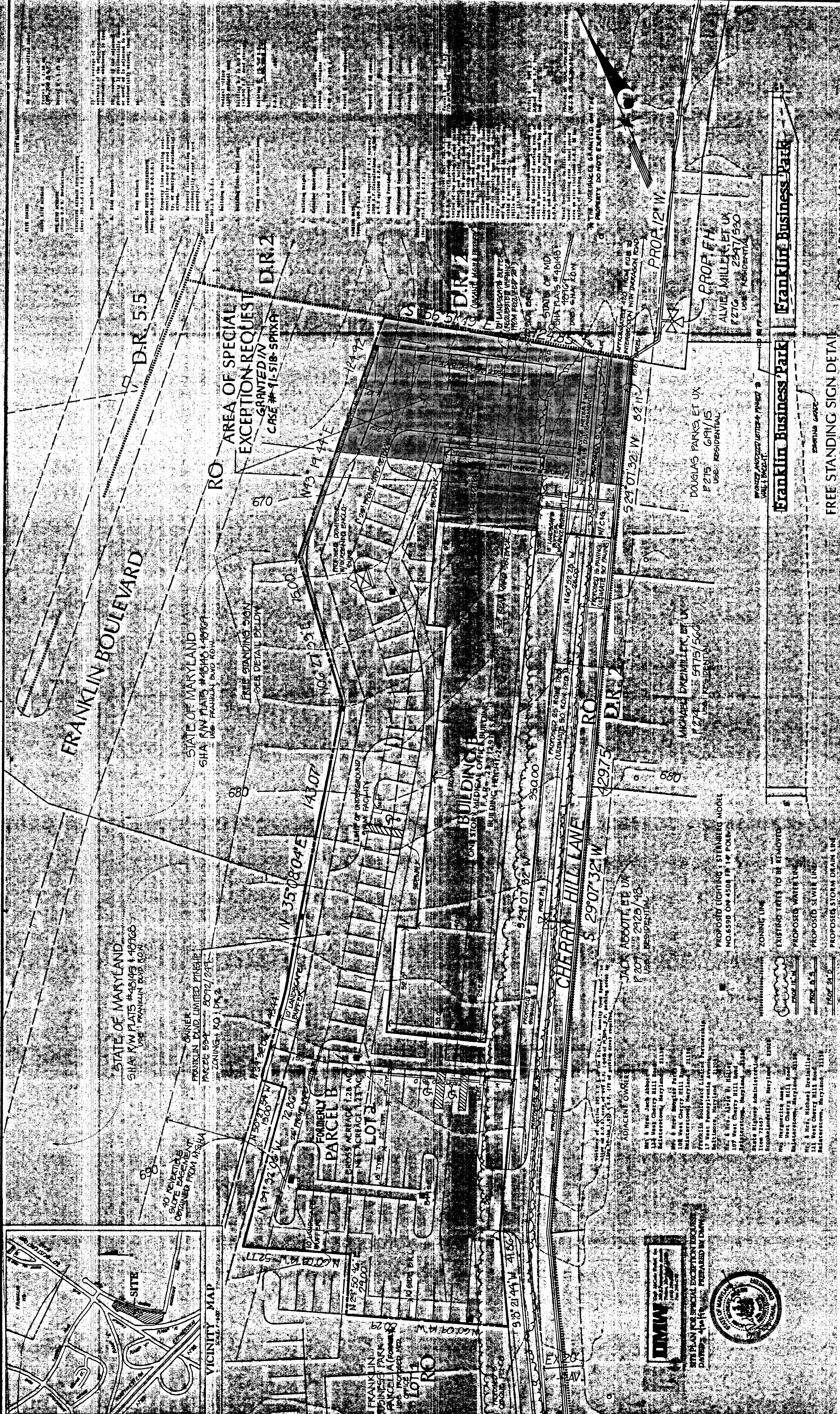
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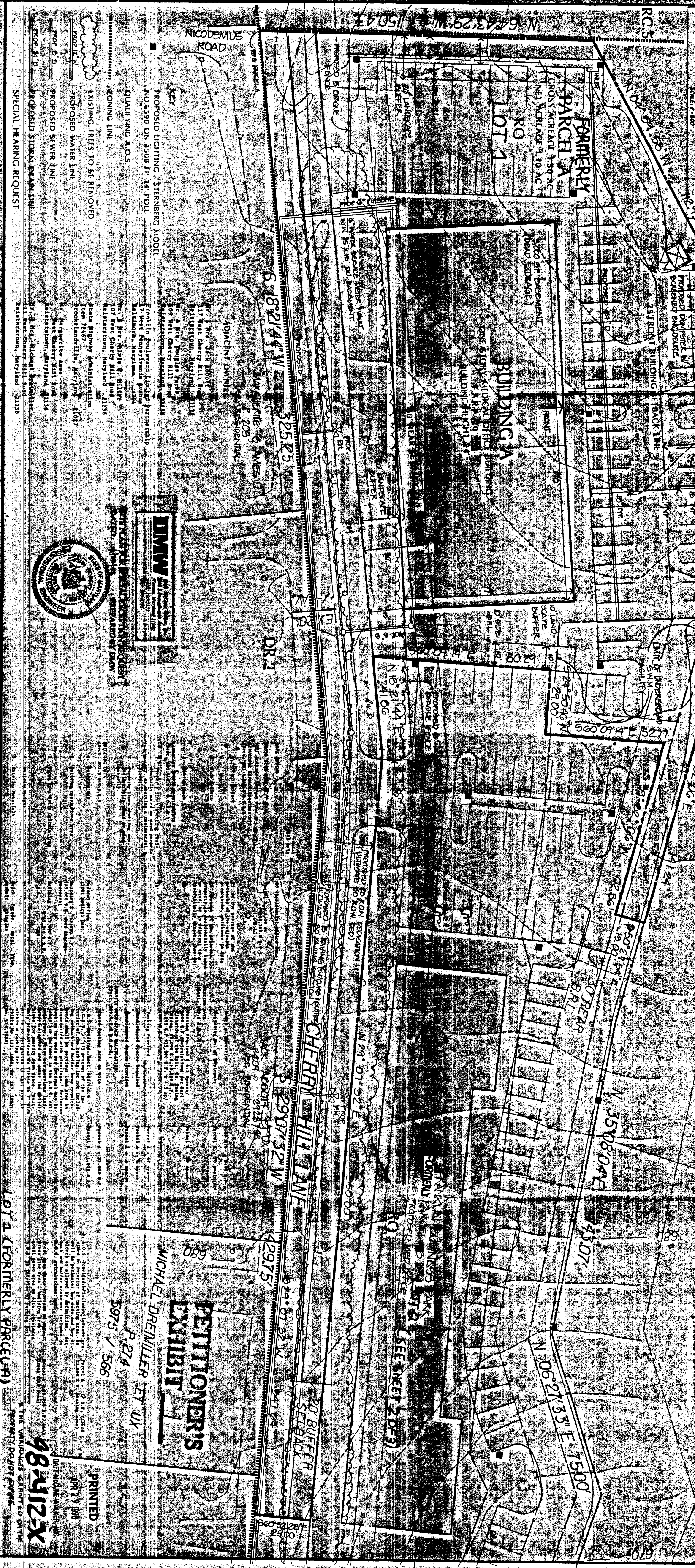
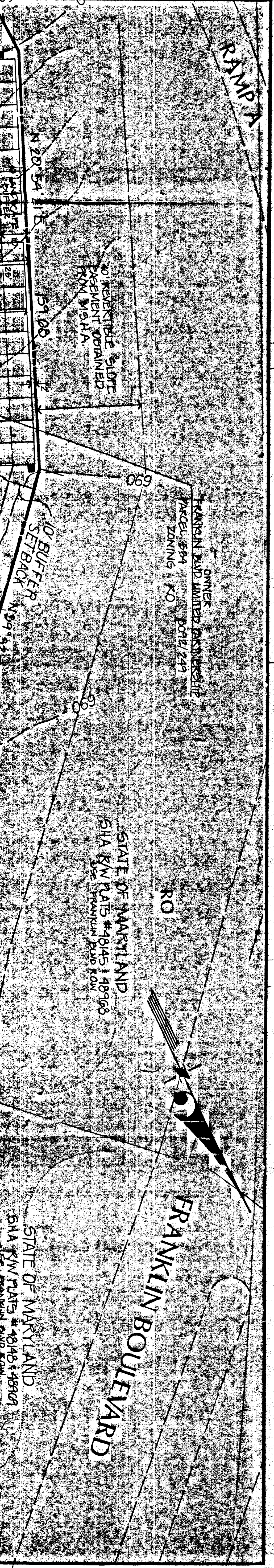
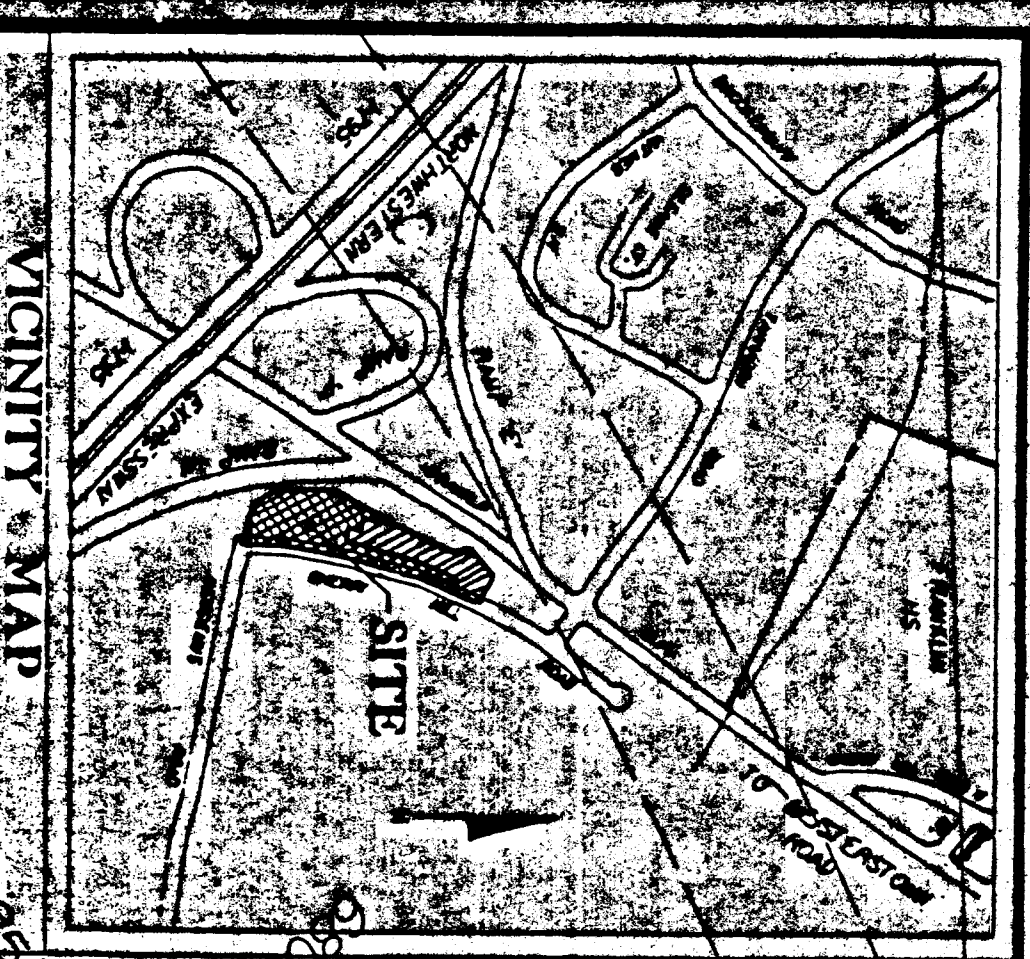
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DMW
DATE: 10/10/90
PROJECT NO: 98043
SHEET NO: 3 OF 3
FRANKLIN BUSINESS PARK
CITY OF FRANKLIN, NEW JERSEY
PLANNING BOARD
REVISIONS
DATE BY
ISSUE DATES
REVIEW DATE: 10/10/90
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE CHECKED: 10/10/90
SCALE: [Scale]
PROJECT NO: 98043
SHEET NO: 3 OF 3



PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING	PLAN	SCALE	1" = 20'
FRANKLIN BUSINESS PARK	EL. H. DESIGN	EL. H. DRAWING	1" = 20'
ONE CLASS B OFFICE BUILDING	EL. H. CHECKED	EL. H. DATE	5-11-62
CENSUS TRACT NO. 440438		SHEET	1 OF 1
PUBLIC SERVICES CORP. NO. 30023		JOB NO.	
REGIONAL PLANNING NO. 308A		FILE NO.	
4TH ELECTION DISTRICT			
TAX ACCOUNT NO. 2100-01823			
BALTIMORE COUNTY MARYLAND			



OWNER/DEVELOPER	
CONTINENTAL REALTY CORP. INC.	
17 WEST PENNSYLVANIA AVENUE	
BALTIMORE, MARYLAND 21204	
301.296.4800	

ENGINEERS, ARCHITECTS, PLANNERS, & SCIENTISTS	
GREENHORNE & O'MARA, INC.	
113 WEST BROAD STREET, SUITE 208, BALTIMORE, MARYLAND 21204	
(410) 296-4100	

PLANNING & ZONING	
FRANKLIN BUSINESS PARK	
ONE CLASS B OFFICE BUILDING	
COUNCILMAN DISTRICT, MD 21	
PUBLIC SERVICES (C&G) 000023	
DEED REFERENCE: SJ 0002-213	
TAX ACCOUNT: MD2100-DIG23	
BALTIMORE COUNTY, MARYLAND	

LOT 2 (FORMERLY PARCEL #4)	
LLH	10F3
DATE	4/29/93
FILE NO.	98-412X

REVISION	
NO.	DATE
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2	5/10/93
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